

BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: June 21, 2006 - MAR

Division: County Attorney

Bulk Item: Yes X No

Department: County Attorney

Staff Contact Person: Susan Grimsley, #3477

AGENDA ITEM WORDING:

Continuation of the public hearing from May 16, 2006 to June 21, 2006 to consider adoption of an ordinance repealing Sections 15.5-81 through 15.5-85 of the Monroe County Code which created the Marathon Municipal Service Taxing Unit.

ITEM BACKGROUND:

The BOCC enacted ordinance(s) establishing the Marathon Municipal Service Taxing Unit to provide for the collection of ad valorem taxes to provide funding for wastewater services for the area within the district and define its boundaries. On October 25, 2005, the City of Marathon entered into an Interlocal Agreement with the Florida Keys Aqueduct Authority and now has the authority to deal with all issues concerning wastewater, pursuant to its municipal powers, which include the authority to levy its own ad valorem taxes for this purpose.

PREVIOUS RELEVANT BOCC ACTION:

On 12/18/02 BOCC approved Ordinance No. 035-2002 establishing the Marathon MSTU.

On 5/12/03 BOCC approved Ordinance 017-2003 amending its boundaries.

On 4/19/06, the BOCC approved the scheduling of a public hearing to consider the repeal of Sections 15.5-81 through 15.5-85 to abolish the Marathon MSTU.

5/16/2006 BOCC continued public hearing to 6/21/06.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: Approval.

TOTAL COST: N/A

BUDGETED: Yes No

COST TO COUNTY: N/A

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL:  5/18/06
SUZANNE A. HUTTON, COUNTY ATTORNEY

DOCUMENTATION: Included X To Follow Not Required

DISPOSITION:

AGENDA ITEM #

ORDINANCE NO. _____-2006

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, REPEALING SECTIONS 15.5-81 THROUGH 15.5-85 OF THE MONROE COUNTY CODE WHICH CREATED THE MARATHON MUNICIPAL SERVICE TAXING UNIT FOR THE COLLECTION OF AD VALOREM TAXES AND PROVIDED FUNDING FOR WASTEWATER SERVICES FOR THE AREA WITHIN THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statute Section Sec. 125.(1)(q) authorizes a county to establish and abolish municipal service taxing units within a municipality if the governing board of the municipality passes an ordinance consenting to the tax; and

WHEREAS, Board of County Commissioners passed Ordinance No. 035-2002 on December 18, 2002 establishing the Marathon Municipal Service Taxing Unit, subsequently amending its boundaries by Ordinance 017-2003 enacted on May 12, 2003; and

WHEREAS, the City of Marathon passed a consenting ordinance as required under Florida Statute Sec. 125.01(1)(q); and

WHEREAS, the City of Marathon has authority to deal with all issues concerning wastewater pursuant to its municipal powers and an interlocal agreement with the Florida Keys Aqueduct Authority dated October 25, 2005; and

WHEREAS, the City of Marathon has the authority to levy its own ad valorem taxes for the purposes of dealing with wastewater, making such a levy by Monroe County through a municipal services taxing unit unnecessary;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. Sections 15.5-81 through 15.5-85 of the Monroe County Code of Ordinances are hereby repealed.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. The provisions of this ordinance shall be included and incorporated in the Monroe County Code of Ordinances, as an addition or amendment thereto, and if necessary, shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 5. This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the _____ day of _____, _____.

Mayor Charles "Sonny" McCoy
Mayor Pro Tem Dixie Spehar
Commissioner George Neugent
Commissioner David Rice
Commissioner Glenn Patton

(SEAL)

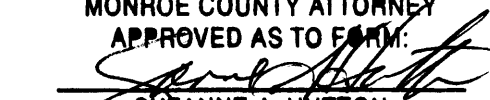
Attest: DANNY L. KOLHAGE, CLERK

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By _____
Deputy Clerk

By _____
Mayor

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:


SUZANNE A. HUTTON
COUNTY ATTORNEY

Date 4/25/06